

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE**

In re:

FTX Trading Ltd., *et al.*,¹

Debtors.

Chapter 11

Case No. 22-11068 (JTD)

(Jointly Administered)

**DECLARATION OF WARREN WINTER IN SUPPORT OF AMENDED
OBJECTION TO DEBTORS' APPLICATION FOR AN ORDER
AUTHORIZING THE RETENTION AND EMPLOYMENT OF SULLIVAN
& CROMWELL LLP AS COUNSEL TO THE DEBTORS AND DEBTORS-
IN-POSSESSION *NUNC PRO TUNC* TO THE PETITION DATE**

I, Warren Winter, under penalty of perjury, declare as follows:

1. I am a natural-born citizen of the United States and a Permanent Resident of Germany, where I have lived since 2017. I am over the age of 18 and am competent to make this Declaration.

2. I submit this Declaration in support of my *Amended Objection to Debtors' Application for an Order Authorizing the Retention and Employment of Sullivan & Cromwell, LLP as Counsel to the Debtors and Debtors-in-Possession Nunc Pro Tunc to the Petition Date* (Dkt. 459). Except where otherwise noted, I have personal knowledge of the facts stated herein.

¹ The last four digits of FTX Trading Ltd.'s and Alameda Research LLC's tax identification numbers are 3288 and 4063 respectively. Due to the large number of debtor entities in these Chapter 11 Cases, a complete list of the debtors and the last four digits of their federal tax identification numbers is not provided herein. A complete list of such information may be obtained on the website of the Debtors' claims and noticing agent at <https://cases.ra.kroll.com/FTX>.

3. In November and December 2022, I compiled documentation concerning my FTX-related transaction history from various sources. That documentation is attached to this Declaration and described in detail below. I make the statements herein to the best of my recollection and based on my review of the documentation I collected.

I. Documentary Evidence

4. A true and correct copy of a spreadsheet showing the deposit history of my FTX Main Account is attached to this Declaration as Exhibit 1. I downloaded this transaction history from FTX.com on November 10, 2022.

5. A true and correct copy of screenshots of the deposit history in my FTX Main Account is attached to this Declaration as Exhibit 2. I personally captured these screenshots on November 10, 2022, using standard screen-capture technology.

6. A true and correct copy of a spreadsheet showing the withdrawal history of my FTX Main Account is attached to this Declaration as Exhibit 3. I downloaded this transaction history from FTX.com on November 10, 2022.

7. A true and correct copy of screenshots showing the withdrawal history of my FTX Main Account is attached to this Declaration as Exhibit 4. I downloaded this transaction history from FTX.com on November 10, 2022.

8. A true and correct copy of a Transfer Confirmation is attached to this Declaration as Exhibit 5. This Transfer Confirmation documents a transfer from my bank account to FTX Digital Markets, Ltd. (“FTX Digital Markets”) on June 4, 2022. I downloaded this Transfer Confirmation on November 24, 2022.

9. A true and correct copy of a Transfer Confirmation is attached to this Declaration as Exhibit 6. This Transfer Confirmation documents a transfer from my bank account to FTX Digital Markets on July 5, 2022. I downloaded this Transfer Confirmation on November 24, 2022.

10. A true and correct copy of a Transfer Confirmation is attached to this Declaration as Exhibit 7. This Transfer Confirmation documents a transfer from my bank account to FTX Digital Markets on August 31, 2022. I downloaded this Transfer Confirmation on November 24, 2022.

11. A true and correct copy of a Transfer Confirmation is attached to this Declaration as Exhibit 8. This Transfer Confirmation documents a transfer from my bank account to FTX Digital Markets on October 26, 2022. I downloaded this Transfer Confirmation on November 24, 2022.

12. A true and correct copy of a Transfer Confirmation is attached to this Declaration as Exhibit 9. This Transfer Confirmation documents a transfer from my bank account to FTX Digital Markets on August 11, 2022. I downloaded this Transfer Confirmation on November 24, 2022.

13. A true and correct copy of a Transfer Confirmation is attached to this Declaration as Exhibit 10. This Transfer Confirmation documents a transfer from my bank account to FTX Digital Markets on October 12, 2022. I downloaded this Transfer Confirmation on November 24, 2022.

14. A true and correct copy of a Transaction Details report from BscScan Smart Chain Explorer is attached to this Declaration as Exhibit 11. This report shows a transfer of USD Coin at that time valued at more than \$300,000.00 from my Binance wallet to my FTX wallet. I personally performed the BscScan search that resulted in this Transaction Details report on December 16, 2022. I downloaded the .pdf attached as Exhibit 11 the same day.

15. A true and correct copy of a Transaction Details report from BscScan Smart Chain Explorer is attached to this Declaration as Exhibit 12. This report shows a transfer of BUSD Stablecoin at that time valued at more than \$300,000.00 from my self-custody wallet to my FTX wallet. I personally performed the BscScan search

that resulted in this Transaction Details report on December 16, 2022. I downloaded the .pdf attached as Exhibit 12 the same day.

16. A true and correct copy of a series of confirmation emails I received from support@ftx.com is attached to this Declaration as Exhibit 13. These emails confirm several withdrawal requests I made on November 10, 2022, through my FTX.com account. I downloaded a .pdf of these emails from Gmail on December 16, 2022.

17. A true and correct copy of an email exchange between myself, FTX EU Compliance, and the Cyprus Financial Ombudsman is attached to this Declaration as Exhibit 14. I initiated this exchange on November 15, 2022, which continued until December 13, 2022. I downloaded the .pdf attached as Exhibit 14 from Gmail on December 16, 2022.

18. A true and correct copy of a screenshot of my FTX account in “inspector view” is attached to this Declaration as Exhibit 15. This screenshot shows a “referral code” that I believe is a unique identifier associated with my FTX account. It also shows the FTX EU branding of my user portal. I created this screenshot on November 22, 2022 with standard screen-capture software.

19. A true and correct copy of an email I received from no-reply@marketing.ftx.com on August 26, 2022 is attached to this Declaration as Exhibit 16. This email bears the “FTX EU” logo in several places and addresses me as a “valued client.” I downloaded the .pdf attached as Exhibit 16 on December 16, 2022.

II. FTX Relationship Timeline

20. I do not recall the exact date I created an FTX account and have been unable to locate any account-creation documentation. The transaction-history spreadsheet and screenshots attached to this Declaration as Exhibits 1 and 2 show

that I made the first deposit into my FTX account on February 21, 2022. To the best of my recollection, I created my FTX account shortly before this initial transaction.

21. When I created my FTX account, I completed the required Know-Your-Customer process with my own valid legal documents and provided accurate biographical information.

22. In the process of collecting evidence concerning my FTX account in November and December 2022, I neglected to capture my FTX account number. Because the FTX.com website is no longer accessible, I no longer have access to that information. I have identified a “Referral Code,” visible in Exhibit 15 to this declaration, which may be a unique identifier for my account.

23. As reflected in the transaction-history documents attached to this Declaration, I deposited hundreds of thousands of dollars worth of cryptocurrency and fiat currency into FTX from February 2022 to October 2022.

24. On November 10, 2022, my FTX user portal indicated that I held assets with FTX valued at nearly \$350,000.00. I submitted withdrawal requests for all of my FTX-held assets on that date. I have not received any of those assets.

25. On November 15, 2022, I submitted a complaint to FTX EU Compliance at complianceeu@ftx.com. I believed at the time that I was an FTX EU customer, in light of emails I received from FTX EU addressing me as a “valued client” (see Ex. 16) and FTX EU branding on my user portal (see Ex. 15). I was told by the FTX EU Compliance Department, however, that my “account [was] not with FTX EU Ltd. ... but with FTX International” (see Ex. 14). It remains unclear to me whether I am a customer of FTX EU or FTX International.

26. If called upon to testify, I would testify competently to the facts set out in this Declaration.

27. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated: January 13, 2023

/s/ *Warren Winter*

Mr. Warren Winter

Declarant